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Practitioner's Docket No. _____

4828A CIP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Michael Glenn, et al.

Application No.: 10 /822,886 Group No.:

Filed: April 13, 2004 Examiner:

For: Pest Control Compositions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT, REQUEST AND FEE TO DELETE AND/OR ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED INVENTOR(S) IN—NONPROVISIONAL APPLICATION—DECLARATION (37 C.F.R. § 1.48(a))

NOTE: "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention of the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors." 37 C.F.R. § 1.48(a)

NOTE: 37 C.F.R. § 1.48(f)(1): "Nonprovisional application-filing executed oath/declaration corrects inventorship. If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship. See §§ 1.41(a)(4) and 1.497(d) for submission of an executed oath or declaration to enter the national stage under 35 U.S.C. 371 and § 1.494 or § 1.495 naming an inventive entity different from the inventive entity set forth in the international stage."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: Aug. 11, 2004

Janet Szot

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s)
in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 1 of 3)

1. This amendment and request is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on 6/29/2004(date).
2. Addition and/or Deletion of Inventor(s)

(check and complete all applicable items)

☒ Add the following previously unnamed person(s) as inventor(s) of this application:
Fumiomi Takeda

☐ Delete the following previously incorrectly named inventor(s)

3. Attachments

Attached is

(a) A statement from: *(check items below that apply)*

- ☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- ☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- (b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2).
- (c) written assent of the assignee *(if any of the original inventors executed an assignment)* 37 C.F.R. 1.48(a)(4)
- (d) *(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*

☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee Payment (37 C.F.R. § 1.17(i)–\$130.00)

The fee required is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 130.00
- ☒ to Deposit Account No. 05-1070
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s) in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9–22]—page 2 of 3)

Reg. No.: 31,592

Tel. No.: (732) 205-5181

Customer No.:

Melanie L. Brown
SIGNATURE OF PRACTITIONER

Melanie L. Brown

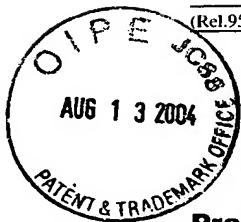
(type or print name of practitioner)

101 Wood Avenue, P.O. Box 770

P.O. Address

Iselin, New Jersey 08830-0770

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s)
in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 3 of 3)

Practitioner's Docket No. 4829A CIP**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **David Michael Glenn, et al.**Application No.: **10 /822,886** Group No.:Filed: **April 13, 2004** Examiner:For: **PEST CONTROL COMPOSITIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**ASSENT OF ASSIGNEE TO CORRECTION
AND/OR ADDITION OF INVENTOR(S)****Engelhard Corporation***(type or print name of assignee)***101 Wood Avenue, P. O. Box 770****Iselin, New Jersey 08830-0770** ^{Address}**Assignment**☒ recorded on **6/29/2004**Reel **014790**Frame **0346**☐ recorded herewith☐ A separate ☐ "ASSIGNMENT" (DOCUMENT) COVER SHEET is attached.

or

☐ FORM PTO 1595 is attached.

Assignee hereby assents to the correction of inventorship filed

☐ herewith.☒ on **6/29/2004****CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Janet Szot*(type or print name of person certifying)*Date: **Aug. 11, 2004**

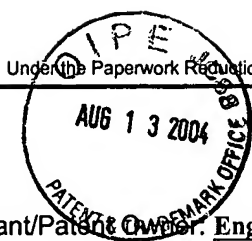
ASSIGNEE STATEMENT

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.

Melanie L. Brown
Signature

Melanie L. Brown, Reg. No. 31,592
(type or print name and title of person authorized to sign
on behalf of assignee)

(Assent of Assignee to Correction and/or Addition of Inventor(s) [9-23]—page 2 of 2)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/96 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Engelhard Corporation

Application No./Patent No.: 10/822,886

Filed/Issue Date: April 13, 2004

Entitled: PEST CONTROL COMPOSITIONS

Engelhard Corporation

, a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is 50 %
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014790, Frame 0346, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to
Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See
MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Aug. 10, 2004

Date

732-205-5181

Telephone number

Gus T. Hampilos

Typed or printed name

[Signature]

Signature

Assistant Secretary

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): David Michael Glenn, et al.

Docket No.

4829A

Application No.

10/822,886

Filing Date

April 13, 2004

AUG 13 2004

Examiner

Customer No.

Group Art Unit

1616

Invention: PEST CONTROL COMPOSITIONS

I hereby certify that this Declaration and Power of Attorney for Patent Application

(Identify type of correspondence)

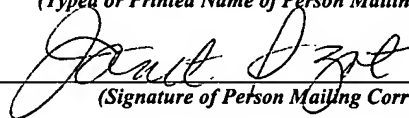
is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 11, 2004

(Date)

Janet Szot

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): David Michael Glenn, et al.

Docket No.

4829A

Application No.

10/822,886

Filing Date

April 13, 2004

AUG 13 2004

Examiner

Customer No.

Group Art Unit

1616

Invention: PEST CONTROL COMPOSITIONS

I hereby certify that this Statement Under 37 CFR Sec. 1.48(c) of Added Inventor

(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 11, 2004

(Date)

Janet Szot

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.



PATENT FILE 4829A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: David Michael Glenn et al.
APPLICATION NO: 10/822,886
FILED: April 13, 2004
TITLE: Pest Control Compositions
ART UNIT: N/A
EXAMINER: N/A

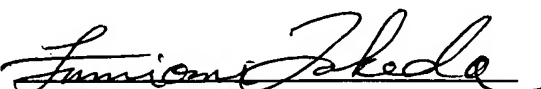
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

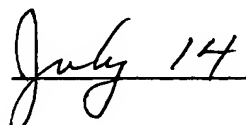
STATEMENT UNDER 37 CFR §1.48(c) of Added Inventor

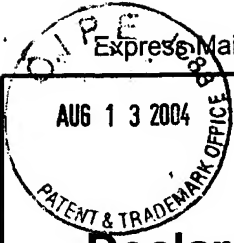
Sir:

New claims to previously unclaimed subject matter of the above-identified patent application were added on June 23, 2004. The undersigned hereby states that he is an inventor of the newly added claims of above-identified patent application and that this inventorship error occurred without any deceptive intention on the undersigned's part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: 
Co-Inventor's Name: Fumio Takeda

Date: , 2004

Docket No.
4829ACIP

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PEST CONTROL COMPOSITIONS

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on April 13, 2004 as United States Application No. or PCT International
Application Number 10/822,886
and was amended on June 23, 2004

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

10/078,628	Feb. 19, 2002	Pending
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Melanie L. Brown, Reg. No. 31,592

Gus T. Hampilos, Reg. No. 31,206

Raymond F. Keller, Reg. No. 28,960

Richard A. Negin, Reg. No. 28,649


Russell G. Lindenfeldar, Reg. No. 39,750

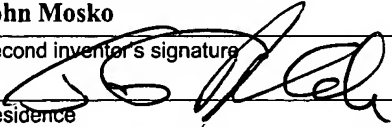
Evelyn Rabin, Reg. No. 44,480


John D. Fado, Reg. No. 27,876

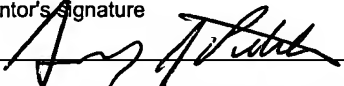
Send Correspondence to: **Chief Patent Counsel**
Engelhard Corporation
101 Wood Avenue, P. O. Box 770
Iselin, NJ 08830-0770


Direct Telephone Calls to: *(name and telephone number)*
Melanie L. Brown 732-205-5181

Full name of sole or first inventor David Michael Glenn	
Sole or first inventor's signature 	Date 27 July 04
Residence 406-361 Glen Road, Shepherdstown, WV 25443	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of second inventor, if any John Mosko	
Second inventor's signature 	Date 7/3/04
Residence 141 Rector Street, Perth Amboy, NJ 08861	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of third inventor, if any Richard C. Pluta	
Third inventor's signature 	Date 7-27-04
Residence 16 Tumbling Brook Drive, Towaco, NJ 07082-1040	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of fourth inventor, if any Gary J. Puterka	
Fourth inventor's signature 	Date 7-27-04
Residence 778 Billmyer Mill Road, Shepherdstown, WV 25443	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of fifth inventor, if any Fumio Takeda	
Fifth inventor's signature 	Date 7/19/2004
Residence 910 Hickory Court, Martinsburg, WV 25401	
Citizenship U.S.A.	
Post Office Address Same as above	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



Practitioner's Docket No. _____

4828A CIP

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Janet Szot

(type or print name of person certifying)

Date: Aug. 11, 2004

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(check and complete all applicable items)

☒ Add the following previously unnamed person(s) as inventor(s) of this application:
Fumiomi Takeda

☐ Delete the following previously incorrectly named inventor(s)

3. Attachments

Attached is

- (a) A statement from: *(check items below that apply)*
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 - ☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
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- (c) written assent of the assignee *(if any of the original inventors executed an assignment)* 37 C.F.R. 1.48(a)(4)
- (d) *(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*
- ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

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- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 130.00
- ☒ to Deposit Account No. 05-1070
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should *not* be included on this form as it may become public.

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Reg. No.: 31,592

Tel. No.: (732) 205-5181

Customer No.:

Melanie L. Brown
SIGNATURE OF PRACTITIONER

Melanie L. Brown
(type or print name of practitioner)

101 Wood Avenue, P.O. Box 770

P.O. Address .

Iselin, New Jersey 08830-0770

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s)
in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 3 of 3)